

Senate Study Bill 1142

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a shaken baby prevention program in the
2 department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2019XC 82
5 jp/gg/14

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1 1 Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME
1 2 PREVENTION PROGRAM.
1 3 1. For the purposes of this section:
1 4 a. "Birth center" and "birthing hospital" mean the same as
1 5 defined in section 135.131.
1 6 b. "Child care provider" means the same as a child care
1 7 facility, as defined in section 237A.1, that is providing
1 8 child care to a child who is newborn through age three.
1 9 c. "Parent" means the same as "custodian", "guardian", or
1 10 "parent", as defined in section 232.2, of a child who is
1 11 newborn through age three.
1 12 d. "Person responsible for the care of a child" means the
1 13 same as defined in section 232.68, except that it is limited
1 14 to persons responsible for the care of a child who is newborn
1 15 through age three.
1 16 e. "Shaken baby syndrome" means the collection of signs
1 17 and symptoms resulting from the vigorous shaking of a child
1 18 who is three years of age or younger. Shaken baby syndrome
1 19 may result in bleeding inside the child's head and may cause
1 20 one or more of the following conditions: irreversible brain
1 21 damage; blindness, retinal hemorrhage, or eye damage; cerebral
1 22 palsy; hearing loss; spinal cord injury, including paralysis;
1 23 seizures; learning disability; central nervous system injury;
1 24 closed head injury; rib fracture; subdural hematoma; or death.
1 25 2. a. The department shall establish a statewide shaken
1 26 baby syndrome prevention program to educate parents and
1 27 persons responsible for the care of a child about the dangers
1 28 to children three years of age or younger caused by shaken
1 29 baby syndrome and to provide alternate techniques for venting
1 30 anger and frustration. The program shall allow for voluntary
1 31 participation and shall make available multimedia educational
1 32 resources, forms, and written materials to parents and persons
1 33 responsible for the care of a child.
1 34 b. A parent or person responsible for the care of a child
1 35 may choose to participate in the program by signing a
2 1 participation form, viewing the program's multimedia
2 2 educational resources, receiving written materials, or
2 3 providing evaluation comments.
2 4 c. The department shall provide for the development of
2 5 multimedia resources, related written materials, participation
2 6 and evaluation forms, and other resources. The department
2 7 shall consult with experts with experience in child abuse
2 8 prevention, child health, and parent education in developing
2 9 the resources, forms, and materials.
2 10 d. The program resources, forms, and materials shall be
2 11 distributed to birth centers, birthing hospitals, and child
2 12 care providers. The department shall implement a
2 13 collaborative approach for distribution with child abuse
2 14 prevention programs, child care resource and referral
2 15 programs, community empowerment programs, public and private
2 16 schools, hospital and health care provider associations, local
2 17 health departments, and others who regularly work with parents
2 18 and persons targeted by the program and the birth centers,

2 19 birthing hospitals, and child care providers who provide
2 20 services to such parents and persons. The distribution
2 21 approach shall provide for distribution by a local health
2 22 department in those areas where another collaborative agency
2 23 is not available or unable to provide the distribution.
2 24 3. Each birth center, birthing hospital, child care
2 25 provider, and maternal and pediatric health services provider
2 26 in the state shall encourage program participation by the
2 27 parents of newborn children and persons responsible for the
2 28 care of a child who is newborn by doing all of the following:
2 29 a. Informing the parents and persons concerning the
2 30 program.
2 31 b. Making the program resources, materials, and forms
2 32 available to the parents and persons.
2 33 c. Keeping completed forms on file.
2 34 4. Each birth center, birthing hospital, and child care
2 35 provider shall annually report to the department statistical
3 1 information concerning program participation in accordance
3 2 with rules adopted for this purpose by the department. The
3 3 department shall annually report in December to the governor
3 4 and general assembly providing statistical information
3 5 concerning program participants and agencies collaborating
3 6 with the program, and program results.
3 7 5. The department shall implement the program to the
3 8 extent of the amount appropriated or made available for the
3 9 program for a fiscal year.

3 10 EXPLANATION

3 11 This bill establishes a shaken baby syndrome prevention
3 12 program in the department of public health in new Code section
3 13 135.119.

3 14 Terms are defined in the bill, largely based on existing
3 15 Code definitions.

3 16 "Birth center" means the same as defined in Code section
3 17 135.131: a facility or institution, which is not an
3 18 ambulatory surgical center or a hospital or in a hospital, in
3 19 which births are planned to occur following a normal,
3 20 uncomplicated, low-risk pregnancy. "Birthing hospital" means
3 21 the same as defined in Code section 135.131: a licensed
3 22 private or public hospital that has a licensed obstetric unit
3 23 or is licensed to provide obstetric services. "Child care
3 24 provider" means the same as "child care facility", as defined
3 25 in Code section 237A.1: a licensed child care center,
3 26 preschool, or a registered child development home, that is
3 27 providing care to children who are newborn through age three.

3 28 "Parent" means the same as "parent", "guardian", or
3 29 "custodian", as defined in Code section 232.2, of a child who
3 30 is newborn through age three. Under Code section 232.2,
3 31 "custodian" means a stepparent or a relative within the fourth
3 32 degree of consanguinity to a child who has assumed
3 33 responsibility for that child, a person who has accepted a
3 34 release of custody, or a person appointed by a court or
3 35 juvenile court having jurisdiction over a child; "guardian"
4 1 means a person who is not the parent of a child, but who has
4 2 been appointed by a court or juvenile court having
4 3 jurisdiction over the child, to have a permanent
4 4 self-sustaining relationship with the child and to make
4 5 important decisions which have a permanent effect on the life
4 6 and development of that child and to promote the general
4 7 welfare of that child; and "parent" means a biological or
4 8 adoptive mother or father of a child but does not include a
4 9 mother or father whose parental rights have been terminated.

4 10 "Person responsible for the care of a child" means the same
4 11 as defined in Code section 232.68, except that it is limited
4 12 to persons caring for a child who is newborn through age
4 13 three. Under Code section 232.68, the term means a parent,
4 14 guardian, or foster parent; a relative or any other person
4 15 with whom the child resides and who assumes care or
4 16 supervision of the child, without reference to the length of
4 17 time or continuity of such residence; an employee or agent of
4 18 any public or private facility providing care for a child,
4 19 including an institution, hospital, health care facility,
4 20 group home, mental health center, residential treatment
4 21 center, shelter care facility, detention center, or child care
4 22 facility; and any person providing care for a child, but with
4 23 whom the child does not reside, without reference to the
4 24 duration of the care.

4 25 "Shaken baby syndrome" means the collection of signs and
4 26 symptoms resulting from the vigorous shaking of a child who is
4 27 age three or younger that may result in bleeding inside the
4 28 head and may result in any of a number of conditions listed in
4 29 the bill.

4 30 The department is required to establish a statewide shaken
4 31 baby syndrome prevention program directed to parents and
4 32 persons responsible for the care of a child, as these terms
4 33 are defined in the bill.

4 34 The department is required to work with various experts in
4 35 developing multimedia resources, forms, and written materials
5 1 for distribution under the program to birth centers, birthing
5 2 hospitals, and child care providers. The department is
5 3 required to implement a collaborative approach for the
5 4 distribution with various programs, health services providers,
5 5 and agencies that work with the target population. If an area
5 6 does not have a collaborative agency to perform the
5 7 distribution, the distribution is required to be performed by
5 8 the local health department.

5 9 Each birth center, birthing hospital, child care provider,
5 10 and maternal and pediatric health services provider in the
5 11 state is required to encourage program participation by the
5 12 parents of newborn children and persons responsible for the
5 13 care of a child who is newborn by performing various
5 14 distribution tasks outlined in the bill.

5 15 Birth centers, birthing hospitals, and child care providers
5 16 are required to annually submit statistical information as
5 17 specified in rules to be adopted by the department. The
5 18 department is required to report annually to the governor and
5 19 general assembly concerning the program and program results.

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